

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 9, 1997

DIVISION ONE

B101843 Timmermeyer, Sr., et al. (Not for Publication)
v.
State Farm Mutual Automobile Ins. Co.

The order awarding sanctions is reversed and the cause is remanded to the trial court for a determination whether Timmermeyer acted in bad faith and, if so, with directions (1) to enter an order specifying in detail the conduct or circumstances constituting bad faith; (2) to fix the time within which Timmermeyer may file objections to State Farm's memorandum of costs, which shall then be considered by the trial court in fixing the amount of sanctions; (3) to determine the time at which the prosecution of this action became frivolous, and to award only those fees and costs incurred by State Farm as a result of Timmermeyer's bad faith and frivolous conduct; and (4) to set the amount of sanctions after considering whether some portion of the bad faith and/or the pursuit of a frivolous action ought to be attributed to Penn, Timmermeyer's former attorney. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B105186 People (Not for Publication)
v.
Finnell

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ito, J. (Assigned)

DIVISION TWO (Continued)

B111088 Los Angeles County, D.C.S. (Not for Publication)
v.
Deanna C.

The trial court's order of March 21, 1997, denying appellant's petition under section 388 and terminating appellant's parental rights under section 366.26 is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

B103126 Harris (Not for Publication)
v.
Simonds

The order under review is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B096991 Daleo (Not for Publication)
v.
City of La Mirada, et al.

The appeal is dismissed. Respondents shall recover costs on appeal.

Fukuto, Acting P.J.

We concur: Nott, J.
 Zebrowski, J.

September 9, 1997-Continued

DIVISION TWO (Continued)

B093696 Vu, et al. (Not for Publication)
v.
California Commerce Club

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
Zebrowski, J.

B093553 Jackson (Not for Publication)
v.
Abrams

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

B104172 People (Not for Publication)
v.
Henry

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B088432 People
 v.
 Clardy & Villamar

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION THREE

B099982 Robert L. Hix Trust, etc., et al.
 v.
 American Honda Motor Co., Inc., etc., et al.

Filed order modifying opinion. (No change in the judgment.)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and V. Guzman, Deputy Clerk.

B103480 People
 v.
 Levine

Merits:
Argued by Carlo Andreani for appellant and by Anh T. Nguyen, deputy attorney general for respondent. Cause submitted.

B099001 Baker
 v.
 Claredon Crest Office Building

Merits:
Argued by John D. Lang for appellant and respondent having failed to file a brief after rule 17(b) notice, cause submitted.

DIVISION FOUR (Continued)

B094267 Muldoon, et al.
 v.
 California Club Corporation

Merits:
Argued by Billie Ann U. Higa for appellants and by Lisa Perrochet for respondent. Cause submitted.

B104150 Teaze of California
 v.
 Labor Commissioner of the State of California

Merits:
Argued by Carolyn M. Dunnett for appellant and by James G. Pattillo for respondent. Cause submitted.

B107133 Department of Children's Services
 v.
 Samuel F.

Merits:
Argued by Donna L. Groman for appellant and by Gary P. Gross, deputy county counsel and Robert R. Walmsley for respondents. Cause submitted.

B108279 Epstein, et al.
 v.
 Lebowsky

Merits:
Argued by Lawrence M. Lebowsky for appellants and by John C. Teal, Jr. for respondent. Cause submitted.

DIVISION FOUR (Continued)

B110236 Preach
 v.
 Virden

Merits:

Argued by Roger B. Coven for appellant and by Ave Buchwald for respondent. Cause submitted.

B109287 People, City of La Puente
 v.
 Walker, et al.

Merits:

Argued by Glenn R. Watson for appellant and by C. Robert Ferguson for respondents. Cause submitted.

Court in recess.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and V. Guzman, Deputy Clerk.

B100102 People
 v.
 Rodriguez

Merits:

Argued by Gerald M. Serlin for appellant and by Karen Moran O'Keeffe, deputy attorney general for respondent. Cause submitted.

DIVISION FOUR (Continued)

B090713 Kim
 v.
 Kim

Merits:

Argued by Joseph Carpello for appellant and by David L. Prince for respondent. Cause submitted.

B104174 People
 v.
 Espinoza

Merits:

Argued by Carlo Andreani for appellant and by David Andrew Eldrige, deputy attorney general for respondent. Cause submitted.

B107738 People
 v.
 Ulloa

Merits:

Argued by Jerry D. Whatley for appellant and by David L. Polsky, deputy attorney general for respondent. Cause submitted.

B094571 R & R Masonry, Inc.
 v.
 Seaboard Surety Company

Merits:

Argued by Christopher E. Haskell for appellant and by Dale A. Ortmann for respondent. Cause submitted.

DIVISION FOUR (Continued)

B096762 Sues, Young & Brown, Inc.
 v.
 Lamanna

Merits:

Argued by Richard A. Hofman for appellant and by Thomas N. Thomson for respondent. Cause submitted.

B108457 Bush
 v.
 Meritplan Insurance Company

Merits:

Argued by Raoul J. Severo for appellant and by Thomas J. Skane for respondent. Cause submitted.

B094740 Lopez, et al.
 v.
 The SBI Company, et al.

Merits:

Argued by Browne Greene for appellants and by Mark G. Bonino for respondents. Cause submitted.

B101386 Shirilla
 v.
 Insurance of Management Resources

Merits:

Argued by Stephan Math for appellant and by Charles M. Stern for respondent. Cause submitted.

DIVISION FOUR (Continued)

B096954 Glendale Federal Bank, et al.
 v.
 Tsoi

Merits:

Argued by Ron S. Galperin for appellant and by Roland P. Reynolds for respondent. Cause submitted.

B100718 Davis
 v.
 Continental Airlines and Griffin

Merits:

Argued by Steven Drapkin for appellant Continental Airlines, Steven J. Kaplan for appellant Griffin and by Judith K. Williams for respondent. Cause submitted.

Each of the following:

B100246 Rios
B100815 Craft
B100481 Dubov
B104206 Jones
B104512 Ware
B095658 Black
B104195 Reyes
B106619 Department of Children's Services v. Marcella R.
B109454 Department of Children's Services v. Joseph S
B086587 Killingsworth v. Taxpayers Against Fraud

Argument waived, cause submitted.

Court adjourned.

DIVISION FIVE

B096738 Federal Deposit Insurance Corporation (Not for Publication)

v.

Daniel Koral

Old Republic Surety Company

The post-judgment order denying Koral's motion for judgment to enforce liability on the undertaking is affirmed. Respondent Old Republic Surety Company is awarded its costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B103572 Richard E. Lee (Not for Publication)

v.

Los Angeles Unified School District

The judgment is affirmed. Lee is to pay LAUSD's costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B106810 People (Not for Publication)

v.

Efrain Guizar Avina

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B100665 Neda S. Walton (Not for Publication)

v.
Philip L. Magno

The judgment is reversed. The trial court is directed to enter judgment in favor of Magno on the jury's verdict. Walton is to pay Magno's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B102969 Fuchs & Marshall et al. (Not for Publication)

v.
Richard Perrillo et al.

The judgment is reversed and remanded for the trial court to enter a judgment on the cross-complaint for nominal damages and for a determination of reasonable attorney fees. In all other respects the judgment is affirmed. Defendants, Dr. Richard Perrillo and Keith Whitman, shall recover their costs and attorneys fees pursuant to Civil Code section 1717, and rules 26(d) and 870.2(c) of the California Rules of Court on appeal jointly and severally from plaintiffs, John R. Fuchs, John R. Fuchs, Inc., and Fuchs & Marshall.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

September 9, 1997-Continued

DIVISION FIVE (Continued)

B106463 T.F.H. Publication, Inc. (Not for Publication)
v.
Heiko Bleher
Paola Pierucci

The judgment is reversed and remanded to the trial court for factual findings and legal conclusions as to the fraudulent transfer issue. T.F.H. is to recover its costs on appeal from Pierucci.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B106681 Marriage of Fiala

Argument waived, cause submitted.

B110289 Lee
v.
Ventura Co. Superior Court
(State Compensation Insurance Fund, r.p.i.)

Order to Show Cause:
Presentation of argument previously waived by petitioner. Argument presented by Leonard Manoukian for real party in interest. Cause submitted.

DIVISION SIX (Continued)

B107497 Lankin
 v.
 California Motorcycle Courier

Merits:
Argued by Steven C. Bronson for appellant and by Ira Cohen for
respondent. Cause submitted.

B109907 Lapp Machine
 v.
 Methods Machine

Merits:
Argued by Steven M. Barnhill for appellant and by Sandra M. Robertson
for respondent. Cause submitted.

B105051 Marriage
 of
 Pope

Merits:
Argued by Andrew E. Pope, appellant appearing in propria persona, and by
John F. McGregor for respondent. Cause submitted.

B108084 Clifford M.
 v.
 Johnson

Merits:
Argued by Joseph A. Hackett for appellant and by Mark S. Borrell for
respondent. Cause submitted.

Court recessed at 10:15 A.M.

September 9, 1997-Continued

DIVISION SIX (Continued)

Court reconvened at 10:25 A.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B106865 City of Fillmore
 v.
 Ventura Regional Sanitation District

Merits:

Argued by Katherine E. Stone for appellants and by David R. Worley for respondent. Cause submitted.

Court recessed at 11:05 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

Each of the following:

B105716 Kaplan vs. San Luis Obispo Co. District Attorney
B108053 Norton vs. Lovgren
B108575 San Luis Obispo Co. Dept. of Social Services vs. Howard Y.
B113790 Robert G. vs. San Luis Obispo Co. Superior Court

Argument waived, cause submitted.

B102219 Marriage
 of
 Capen

No appearances; cause continued to September 10, 1997.

DIVISION SIX (Continued)

B109442 San Luis Obispo Co. Dept. of Social Services
 v.
 Robert G.

Appearances:

Neil S. Tardiff for appellant and by Patricia S. Stevens, Deputy County Counsel, for respondent. Argument waived, cause submitted.

B095490 Ricigliano
 v.
 Horton

Merits:

Argued by Robert O. Angle for appellant and by Shaunna Sullivan for respondent. Cause submitted.

B109711 Public Social Services Agency
 v.
 Eldon S.

Merits:

Argued by David B. Shea for appellant and by William A. Waters, Assistant County Counsel, for respondent. Cause submitted.

B103828 Van Dyke
 v.
 GTE

Merits:

Argued by Eugenia Hicks for appellant and by Glen M. Reiser for respondent. Cause submitted.

Court recessed at 2:45 P.M.

September 9, 1997-Continued

DIVISION SIX (Continued)

Court reconvened at 3:00 P.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B106315 Dept. of Corrections
 v.
 California Correctional Peace Officers

Merits:

Argued by Dennis D. Law for appellant and by Joel Levinson for
respondent. Cause submitted.

Court adjourned at 3:40 P.M.